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OFFICE OF PETITIONS

In re Patent No. 7,084,010 :  
Issue Date: August 1, 2006 :  
Application No. 10/688,708 :  
Filed: October 17, 2003 :  
Attorney Docket No. 02W155 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2009, to revive the above-identified application.

The petition is **DISMISSED** as moot.

In reply to the Notice of Allowance and Issue Fee(s) Due mailed March 17, 2006, the issue fee was duly paid on June 13, 2006.

On August 1, 2006, U.S. Patent No. 7,084,010 issued on the instant application.

The instant petition was filed June 22, 2009.

Petitioner states that the above-identified application may have become abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. Accordingly, petitioner requests that, the patentee's failure to timely file a Rescission of Previous Nonpublication Request (35 U.S.C. 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. 122(b)(2)(B)(iii)) be corrected and the Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)) be retroactively accepted.

As set forth in MPEP 1305:

Once the patent has been granted, the U.S. Patent and Trademark Office can take no action concerning it, except as provided in 35 U.S.C. 135, 35 U.S.C. 251 through 256, 35 U.S.C. 302 through 307 and 35 U.S.C. 311 through 316.

Accordingly, once the patent is granted, the Office has no jurisdiction over the patent. Also, see *Aristocrat Technologies Australia v. International Game Technologies* 2008 U.S. App. LEXIS 20060 (Fed. Cir. 2008) "[p]rocedural lapses during examination, should they occur, do not provide grounds of invalidity. Absent proof of inequitable conduct, the examiner's or the applicant's absolute compliance with the internal rules of patent examination becomes irrelevant after the patent has issued." The case was decided September 22, 2008.


Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at 571-272-7099.

  
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Petitions Examiner  
Office of Petitions

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